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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,112	03/21/2001	Petter Ericson	3782-0124P	8117
2292 7590 12/16/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
DISTEFANO, GREGORY A				
ART UNIT		PAPER NUMBER		
2175				
MAIL DATE		DELIVERY MODE		
12/16/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* PETTER ERICSON  
and  
TOMAS LUNDSTROM

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Appeal No. 2008-001924  
Application No. 09/813,112  
Technology Center 2100

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Mailed: December 16, 2009

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Before DALE M. SHAW, *Division 2 Support Administrator*.

ORDER REMANDING TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 12, 2008. A docketing notice assigning Appeal Number 2008-001924 was mailed on February 28, 2008.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on January 24, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1)

and § 1208, part II, of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 5, August 2006).

### INFORMATION DISCLOSURE STATEMENT

Appellants filed an Information Disclosure Statement (IDS) dated February 27, 2008. There is no indication on the record that the Examiner has considered the above IDS. MPEP § 609 requires the Examiner to consider any IDS filed by Applicants if timely submitted. A written communication notifying Appellants of the Examiner's consideration of the above IDS is required.

### CONCLUSION

Accordingly, it is

ORDERED that the application is remanded to the Examiner:

- 1) to consider the Reply Brief filed January 24, 2007, as indicated above;
- 2) to consider the IDS filed February 27, 2008; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS:psb

Appeal No. 2008-001924  
Application No. 09/813,112

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